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99 OCT 15 PM 3 57
EXECUTIVE SECRET

October 15, 1999

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

99-00613

**RE: Petition of The Tennessee Small Local Exchange Company Coalition
for Temporary Suspension of 47 U.S.C. § 251(b) and 251(c) Pursuant
To 47 U.S.C. § 251(f) and 47 U.S.C. § 253(b).**

Dear Mr. Waddell:

Pursuant to your notice of October 7, 1999, enclosed please find the original and thirteen copies of the following:

- (1) Response Of The Tennessee Small Local Exchange Company Coalition To Petition of US LEC of Tennessee, Inc. For Leave to Intervene;
- (2) Response Of The Tennessee Small Local Exchange Company Coalition To Petition of the Southeastern Competitive Carriers Association To Intervene;
- (3) Response Of The Tennessee Small Local Exchange Company Coalition To Petition of AVR, L.P. D/B/A Hyperion Of Tennessee, L.P. To Intervene;
- (4) Response Of The Tennessee Small Local Exchange Company Coalition To Petition For Intervention of AT&T Communications Of The South Central States, Inc.;
- (5) Response Of The Tennessee Small Local Exchange Company Coalition To The Comments Of AVR, L.P. D/B/A Hyperion Of Tennessee, L.P. In Opposition To Petition;

FILE

Mr. K. David Waddell
October 15, 1999
Page 2

(6) Response Of The Tennessee Small Local Exchange Company Coalition To
The Comments of AT&T Communications Of The South Central States, Inc.; and

(7) Response Of The Tennessee Small Local Exchange Company Coalition To
The Motion To Dismiss Joint Petition, Or, In The Alternative, To Sever Individual
Petitioners.

I would appreciate your bringing these to the attention of the Directors.

If you have any questions, do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Dale Grimes". The signature is fluid and cursive, with the first name "R." and last name "Grimes" clearly distinguishable.

R. Dale Grimes

RDG\jm

enclosures

cc: Richard Collier, Esq.
Mr. Terry Wales
Mr. Clay Bailey
Ms. Louise Brown
Mr. David Espinoza
Mr. John D. Feehan
Mr. Tommy Ott
Mr. Herbert Bivens
Individuals as set out in service list attached to the Responses

GRIMESRD\2059930

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

RECEIVED
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CHIEF OF BUREAU
EXECUTIVE SECRETARY

IN RE:

PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §) DOCKET NO. 99-00613
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)

**RESPONSE OF THE TENNESSEE SMALL LOCAL
EXCHANGE COMPANY COALITION TO THE COMMENTS OF
AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.**

Petitioner, the Tennessee Small Local Exchange Company Coalition (the "Coalition"), respectfully submits its response to the comments filed by AT&T Communications of the South Central States, Inc. ("AT&T").

AT&T submits three comments. First, AT&T states that the Petition filed by the Coalition does not comply with 47 U.S.C. § 251(f)(2) or the FCC's rules because the Petition "neither contains, nor refers to, any evidence" supporting the suspension of the obligations of local exchange carriers contained in Sections 251(b) and (c). Second, AT&T surmises that the Petition was filed to circumvent the decision of the FCC in the Hyperion case. Third, AT&T nonetheless acknowledges that the Coalition's Petition should be allowed to proceed "in the interest of an expeditious resolution of the issues on the merits," and suggests a procedure to be followed in this matter. The Coalition respectfully disagrees with AT&T's first two comments, but wholeheartedly endorses the suggestion that a procedure be adopted for the expeditious and efficient resolution of

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the issues on the merits of the Coalition's request for the temporary, but important, relief set forth in the Petition.

As to AT&T's first comment, the Coalition respectfully responds that its Petition was not required to set forth, or refer to, specific evidence supporting relief on a company-by-company basis. The allegations made in the Petition and the Brief filed in support are sufficient to set forth the Coalition's claims for relief and to invoke the jurisdiction of this Authority to hear the matter on the merits. The Coalition fully expects to prove its entitlement to the relief requested in the Petition at the time of the hearing. It is not, and should not be, required to prove its case in advance.

Moreover, it is important to bear in mind the legal basis for the Petition. The Coalition does not seek a permanent exemption from, or suspension or modification of, the requirements of Section 251(b) and (c). Instead, it seeks only a temporary suspension of those requirements pending the development and implementation at both the state and federal levels of regulatory policies tailored to preserve universal service and maintain affordable rates in rural service areas. This is a significant limitation on the relief requested by the Petition, which is ignored in AT&T's comments. Furthermore, the Petition is premised not only on Section 251(f)(2), but also on Section 253(b), which provides:

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve an advance universal service, protect the public safety and welfare, insure the continued quality of telecommunications services, and safeguard the rights of consumers.

Based upon the temporary nature of the relief requested and the jurisdiction granted to this Authority under Section 253(c), it is entirely appropriate for this matter to proceed on the basis of the allegations of the Petition and the Brief filed in support.

To the extent that AT&T's comments are directed to the other basis upon which the Coalition seeks relief, Section 251(f)(2), they are likewise misguided. The Coalition acknowledges the language of the statute, the FCC's Local Competition Order, and 47 C.F.R. § 51.401, quoted in AT&T's comments. However, while the proof requirements set forth in those provisions may be applicable to the showing ultimately to be made by the Coalition's members in this proceeding, there is no indication whatsoever that they are intended to impose heightened standards for pleading in the Coalition's Petition. In short, the Petition sets forth allegations sufficient to invoke the Authority's jurisdiction over this matter. AT&T's comments seek to impose hypertechnical requirements on this matter that are not consistent with the nature and character of proceedings before this Authority.

As to AT&T's second comment, the Coalition respectfully submits that this proceeding is not an attempt to circumvent the FCC decision in the Hyperion case. Instead, it is an effort to obtain directly from this Authority, on a temporary basis, the suspension of the interconnection requirements of Section 251(b) and (c) until universal service regulatory policies are adopted and implemented. The exemption for small local exchange carriers under state law, T.C.A. § 65-4-201(d), which was the basis and subject of the FCC proceeding in the Hyperion case, is not relevant to the Coalition's Petition at all.

Finally, the Coalition agrees with AT&T's third comment concerning the need for the adoption of procedures for the disposition of the Coalition's Petition on the merits. Without agreeing that the procedures outlined by AT&T are necessary or appropriate, the Coalition submits that procedures should be designed to resolve this matter in an expeditious and efficient manner.

Dated this 15th day of October, 1999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Dale Grimes", written over a horizontal line.

R. Dale Grimes (#6223)

T. G. Pappas (#2703)

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*Counsel for The Tennessee Small
Local Exchange Company Coalition*

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 1999, a copy of the foregoing Response Of The Tennessee Small Local Exchange Company Coalition To The Comments Of AT&T Communications Of The South Central States, Inc. was served on the following persons, via U. S. Mail, postage pre-paid, addressed as follows:

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

REC'D TO
REGULATORY AUTH.

OCT 15 PM 4 00

SA. J. J. J.
EXECUTIVE SECRETARY

IN RE:

**PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §) DOCKET NO. 99-00613
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)**

**RESPONSE OF THE TENNESSEE SMALL LOCAL EXCHANGE
COMPANY COALITION TO PETITION OF THE SOUTHEASTERN
COMPETITIVE CARRIERS ASSOCIATION TO INTERVENE**

The Tennessee Small Local Exchange Company Coalition, for response to the Petition of The Southeastern Competitive Carriers Association ("SECCA") for leave to intervene in this proceeding, states that it has no opposition to the intervention or participation in this proceeding by SECCA.

Dated this 15th day of October, 1999.

Respectfully submitted,



R. Dale Grimes (#6223)
T. G. Pappas (#2703)
BASS, BERRY & SIMS PLC
2700 First American Center
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*Counsel for The Tennessee Small
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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 1999, a copy of the foregoing Response Of The Tennessee Small Local Exchange Company Colaition To Petition Of The Southeastern Competitive Carriers Association To Intervene was served on the following persons, via U. S. Mail, postage pre-paid, addressed as follows:

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

BEFORE THE
REGULATORY AUTHORITY

1999 OCT 15 PM 3 59

OFFICE OF THE
EXECUTIVE SECRETARY

IN RE:

**PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §) DOCKET NO. 99-00613
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)**

**RESPONSE OF THE TENNESSEE SMALL LOCAL
EXCHANGE COMPANY COALITION TO PETITION OF AVR,
L.P. D/B/A HYPERION OF TENNESSEE, L.P. TO INTERVENE**

The Tennessee Small Local Exchange Company Coalition, for response to the Petition of AVR L.P. d/b/a Hyperion of Tennessee, L.P. ("Hyperion") for leave to intervene in this proceeding, reserves the right to dispute certain allegations contained in that Petition and Comments filed therewith, but further states that it has no opposition to the intervention or participation in this proceeding by Hyperion.

Dated this 15th day of October, 1999.

Respectfully submitted,



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*Counsel for The Tennessee Small
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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 1999, a copy of the foregoing Response Of The Tennessee Small Local Exchange Company Coalition To Petition Of AVR, L.P. d/b/a Hyperion Of Tennessee, L.P. To Intervene was served on the following persons, via U. S. Mail, postage pre-paid, addressed as follows:

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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IN RE:

OFFICIAL USE
EXECUTIVE SECRETARY

**PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §)
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)**

DOCKET NO. 99-00613

**RESPONSE OF THE TENNESSEE SMALL LOCAL EXCHANGE
COMPANY COALITION TO PETITION FOR INTERVENTION OF
AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.**

The Tennessee Small Local Exchange Company Coalition, for response to the Petition of AT&T Communications of the South Central States, Inc. ("AT&T") for leave to intervene in this proceeding, reserves its right to dispute certain allegations contained in that Petition, but further states that it has no opposition to the intervention or participation in this proceeding by AT&T.

Dated this 15th day of October, 1999.

Respectfully submitted,



R. Dale Grimes (#6223)
T. G. Pappas (#2703)
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*Counsel for The Tennessee Small
Local Exchange Company Coalition*

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I hereby certify that on October 15, 1999, a copy of the foregoing Response Of The Tennessee Small Local Exchange Company Coalition To Petition For Intervention Of AT&T Communications Of The South Central States, Inc. was served on the following persons, via U. S. Mail, postage pre-paid, addressed as follows:

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

1999 OCT 15 PM 3 57

CLERK OF THE
EXECUTIVE SECRETARY

IN RE:

PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
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251(f) AND 47 U.S.C. § 253(b).)

**RESPONSE OF THE TENNESSEE SMALL LOCAL EXCHANGE
COMPANY COALITION TO PETITION OF US LEC OF
TENNESSEE, INC. FOR LEAVE TO INTERVENE**

The Tennessee Small Local Exchange Company Coalition, for response to the Petition of US LEC of Tennessee, Inc. ("US LEC") for leave to intervene in this proceeding, reserves its right to dispute certain allegations contained in that Petition, but further states that it has no opposition to the intervention or participation in this proceeding by US LEC.

Dated this 15th day of October, 1999.

Respectfully submitted,



R. Dale Grimes (#6223)
T. G. Pappas (#2703)
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*Counsel for The Tennessee Small
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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

1999 OCT 15 PM 4 04

CHIEF OF BUREAU
EXECUTIVE SECRETARY

IN RE:

PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §) DOCKET NO. 99-00613
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)

**RESPONSE OF THE TENNESSEE SMALL LOCAL EXCHANGE
COMPANY COALITION TO THE COMMENTS OF AVR, L.P. D/B/A
HYPERION OF TENNESSEE, L.P. IN OPPOSITION TO PETITION**

Petitioner, the Tennessee Small Local Exchange Company Coalition ("The Coalition"), respectfully submits its response to the comments filed by AVR, L.P., d/b/a Hyperion of Tennessee, L.P. ("Hyperion"), and states that Hyperion's request that the Coalition's Petition be dismissed or denied is not well taken and should itself be denied.

Hyperion comments that the Coalition's Petition "exceeds the scope of available relief under [Sections 251(b) and 251(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 251(b) and (c), (the 'Act')], is procedurally out of order, and fails to allege facts that would satisfy the Coalition's burden of proof with regard to such relief." However, Hyperion makes only two arguments: first, that the Coalition requests relief from this Authority on behalf of all its members without setting forth in its Petition specific allegations of particularized facts that would support the findings the Authority may ultimately be required to make to suspend or modify the requirements of the Act as to individual members of the Coalition; and second, that to the extent one of the Coalition's members has not received a "bona fide request for interconnection, services, or network

elements” from a competing telecommunications provider, the request for relief from the obligations pursuant to Section 251(c) is premature. Neither of these arguments should result in dismissal of the Petition or denial of the relief requested by the Coalition.

It is important to bear in mind the legal basis for the Petition. The Coalition does not seek a permanent exemption from, or suspension or modification of, the requirements of Section 251(b) and (c). Instead, it seeks only a temporary suspension of those requirements pending the development and implementation at both the state and federal levels of regulatory policies tailored to preserve universal service and maintain affordable rates in rural service areas. This is a significant limitation on the relief requested by the Petition, which is ignored in Hyperion’s comments. Furthermore, the Petition is premised not only on Section 251(f)(2), but also on Section 253(b), which provides:

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve an advance universal service, protect the public safety and welfare, insure the continued quality of telecommunications services, and safeguard the rights of consumers.

Based upon the temporary nature of the relief requested and the jurisdiction granted to this Authority under Section 253(b), it is entirely appropriate for this matter to proceed on the basis of the allegations of the Petition and the Brief filed in support. In addition, these provide sufficient grounds for this Authority to consider and order the temporary suspension of the additional obligations of incumbent local exchange carriers under Section 251(c) without awaiting a “bona fide request for interconnection, services, or network elements” and without requiring repeated consideration of such “bona fide requests” during the period that this Authority determines that the requirements of Section 251(b) and (c) should be temporarily suspended.

To the extent that Hyperion's comments are directed to the other basis upon which the Coalition seeks relief, Section 251(f)(2), they are likewise misguided. The Coalition acknowledges the language of the statute quoted in Hyperion's comments, as well as its notation of 47 C.F.R. § 51.401. However, while the proof requirements set forth in those provisions may be applicable to the showing ultimately to be made by the Coalition's members in this matter, there is no indication whatsoever that they are intended to impose heightened standards for pleading in the Coalition's Petition. In short, the Petition sets forth allegations sufficient to invoke the Authority's jurisdiction over this matter. Hyperion's comments and effort to impose hypertechnical requirements on this matter are not consistent with the nature and character of proceedings before this Authority.

Dated this 15th day of October, 1999.

Respectfully submitted,



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I hereby certify that on October 15, 1999, a copy of the foregoing Response Of The Tennessee Small Local Exchange Company Coalition To The Comments Of AVR, L.P. d/b/a Hyperion Of Tennessee, L.P. In Opposition To Petition was served on the following persons, via U. S. Mail, postage pre-paid, addressed as follows:

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

'99 OCT 15 PM 4 01

OFFICE OF THE
EXECUTIVE SECRETARY

IN RE:

PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §) DOCKET NO. 99-00613
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)

**RESPONSE OF THE TENNESSEE SMALL LOCAL
EXCHANGE COMPANY COALITION TO THE COMMENTS OF
AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.**

Petitioner, the Tennessee Small Local Exchange Company Coalition (the "Coalition"), respectfully submits its response to the comments filed by AT&T Communications of the South Central States, Inc. ("AT&T").

AT&T submits three comments. First, AT&T states that the Petition filed by the Coalition does not comply with 47 U.S.C. § 251(f)(2) or the FCC's rules because the Petition "neither contains, nor refers to, any evidence" supporting the suspension of the obligations of local exchange carriers contained in Sections 251(b) and (c). Second, AT&T surmises that the Petition was filed to circumvent the decision of the FCC in the Hyperion case. Third, AT&T nonetheless acknowledges that the Coalition's Petition should be allowed to proceed "in the interest of an expeditious resolution of the issues on the merits," and suggests a procedure to be followed in this matter. The Coalition respectfully disagrees with AT&T's first two comments, but wholeheartedly endorses the suggestion that a procedure be adopted for the expeditious and efficient resolution of

the issues on the merits of the Coalition's request for the temporary, but important, relief set forth in the Petition.

As to AT&T's first comment, the Coalition respectfully responds that its Petition was not required to set forth, or refer to, specific evidence supporting relief on a company-by-company basis. The allegations made in the Petition and the Brief filed in support are sufficient to set forth the Coalition's claims for relief and to invoke the jurisdiction of this Authority to hear the matter on the merits. The Coalition fully expects to prove its entitlement to the relief requested in the Petition at the time of the hearing. It is not, and should not be, required to prove its case in advance.

Moreover, it is important to bear in mind the legal basis for the Petition. The Coalition does not seek a permanent exemption from, or suspension or modification of, the requirements of Section 251(b) and (c). Instead, it seeks only a temporary suspension of those requirements pending the development and implementation at both the state and federal levels of regulatory policies tailored to preserve universal service and maintain affordable rates in rural service areas. This is a significant limitation on the relief requested by the Petition, which is ignored in AT&T's comments. Furthermore, the Petition is premised not only on Section 251(f)(2), but also on Section 253(b), which provides:

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve an advance universal service, protect the public safety and welfare, insure the continued quality of telecommunications services, and safeguard the rights of consumers.

Based upon the temporary nature of the relief requested and the jurisdiction granted to this Authority under Section 253(c), it is entirely appropriate for this matter to proceed on the basis of the allegations of the Petition and the Brief filed in support.

To the extent that AT&T's comments are directed to the other basis upon which the Coalition seeks relief, Section 251(f)(2), they are likewise misguided. The Coalition acknowledges the language of the statute, the FCC's Local Competition Order, and 47 C.F.R. § 51.401, quoted in AT&T's comments. However, while the proof requirements set forth in those provisions may be applicable to the showing ultimately to be made by the Coalition's members in this proceeding, there is no indication whatsoever that they are intended to impose heightened standards for pleading in the Coalition's Petition. In short, the Petition sets forth allegations sufficient to invoke the Authority's jurisdiction over this matter. AT&T's comments seek to impose hypertechnical requirements on this matter that are not consistent with the nature and character of proceedings before this Authority.

As to AT&T's second comment, the Coalition respectfully submits that this proceeding is not an attempt to circumvent the FCC decision in the Hyperion case. Instead, it is an effort to obtain directly from this Authority, on a temporary basis, the suspension of the interconnection requirements of Section 251(b) and (c) until universal service regulatory policies are adopted and implemented. The exemption for small local exchange carriers under state law, T.C.A. § 65-4-201(d), which was the basis and subject of the FCC proceeding in the Hyperion case, is not relevant to the Coalition's Petition at all.

Finally, the Coalition agrees with AT&T's third comment concerning the need for the adoption of procedures for the disposition of the Coalition's Petition on the merits. Without agreeing that the procedures outlined by AT&T are necessary or appropriate, the Coalition submits that procedures should be designed to resolve this matter in an expeditious and efficient manner.

Dated this 15th day of October, 1999.

Respectfully submitted,

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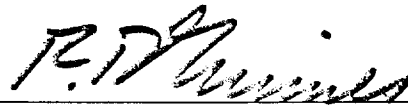
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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

1999 OCT 15 PM 4 02

CLERK OF THE
EXECUTIVE SECRETARY

IN RE:

**PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §)
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)**

DOCKET NO. 99-00613

**RESPONSE OF THE TENNESSEE SMALL LOCAL EXCHANGE
COMPANY COALITION TO THE MOTION TO DISMISS JOINT
PETITION OR, IN THE ALTERNATIVE, TO SEVER INDIVIDUAL PETITIONERS**

Petitioner, the Tennessee Small Local Exchange Company Coalition (the "Coalition"), respectfully submits this response in opposition to the Motion To Dismiss Joint Petition, Or, In The Alternative, To Sever Individual Petitioners filed by the Southeast Competitive Carriers Association ("SECCA").

SECCA argues that the Coalition's Petition should not have been filed by a coalition consisting of fourteen small local exchange telephone companies because, SECCA insists, the relief sought can be obtained only on a company-specific basis. SECCA instead asserts that better procedure would require the Coalition members to file fourteen separate proceedings seeking the same relief. As proposed by SECCA, this proceeding should be dismissed so "each individual carrier may then re-file seeking the same relief." Alternatively, SECCA proposes the severance of each of the Coalition members "from each other." The Coalition respectfully submits that SECCA's motion and its proposals are merely dilatory and will, if followed, result in an enormous amount of

multiplication of proceedings, unnecessary perplexities, and a purposeless waste of the time, energy, and resources of the Authority and the parties. Accordingly, the Motion should be denied.

Contrary to SECCA's assertion, the Coalition's Petition does not fail to comply with FCC rules and orders by not including company-specific facts or arguments. It is important to bear in mind the legal basis for the Petition. The Coalition does not seek a permanent exemption from, or suspension or modification of, the requirements of Sections 251(b) and (c) pursuant to Section 251(f). Instead, it seeks only a temporary suspension of those requirements pending the development and implementation of regulatory policies at both the state and federal levels tailored to preserve universal service and maintain affordable rates in rural service areas. This is a significant limitation on the relief requested by the Petition, which is ignored in SECCA's Motion. Furthermore, the Petition is premised not only on Section 251(f)(2), but also on Section 253(b), which provides:

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve an advance universal service, protect the public safety and welfare, insure the continued quality of telecommunications services, and safeguard the rights of consumers.

Based upon the temporary nature of the relief requested and the jurisdiction granted to this Authority under Section 253(c), it is entirely appropriate for this matter to proceed on the basis of the allegations of the Petition and the Brief filed in support.

To the extent that SECCA's motion is directed to the other basis upon which the Coalition seeks relief, Section 251(f)(2), it is likewise misguided. The Coalition acknowledges the language of the statute quoted in SECCA's motion, as well as its citation of the FCC's Interconnection Order and notation of 47 C.F.R. § 51.401. However, while the proof requirements set forth in those

provisions may be applicable to the showing ultimately to be made by the Coalition's members in this proceeding, there is no indication whatsoever that they are intended to impose heightened standards for pleading in the Coalition's Petition. In short, the Petition sets forth allegations sufficient to invoke the Authority's jurisdiction over this matter. SECCA's motion seeks to impose hypertechnical requirements on this matter that are not consistent with the nature and character of proceedings before this Authority.

Indeed, it is ironic that SECCA, itself "an organization of telephone carriers, many of whom are authorized to provide competitive local exchange service in Tennessee," would object to the Coalition's effort to obtain the temporary but important relief it seeks in a procedurally expeditious and efficient manner. While SECCA's pleadings do not identify the number or names of its individual members, its counsel has represented that the organization consists of fifteen telephone carriers. In keeping with the hypertechnical requirement SECCA seeks to apply to the Coalition, its members should have filed fifteen motions to intervene in this matter and an equal number of motions to dismiss. The absurdity of such a requirement speaks for itself

For all the foregoing reasons, the Motion to Dismiss Joint Petition or, in the alternative, to Sever Individual Petitioners should be denied.

Dated this 15th day of October, 1999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Dale Grimes", written over a horizontal line.

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